

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :

- against - :

ROSS ULBRICHT, :

Defendant. :

:

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14 Cr. 68 (KBF)

**DECLARATION OF LINDSAY A.  
LEWIS, ESQ., IN SUPPORT OF  
DEFENDANT ROSS ULBRICHT'S  
MOTION PURSUANT TO RULE  
38(b)(2), FED.R.CRIM.P., FOR AN  
ORDER RECOMMENDING  
CONFINEMENT AT THE "MCC" NEW  
YORK PENDING DIRECT APPEAL**

Lindsay A. Lewis, Esq., pursuant to 28 U.S.C. §1746, hereby affirms under penalty of perjury:

1. I am an attorney, and I along with Joshua L. Dratel, Esq., represent defendant Ross Ulbricht in the above-captioned case. I make this Declaration in support of Mr. Ulbricht's motion pursuant to Rule 38(b)(2), Fed.R.Crim.P.,<sup>1</sup> for an Order recommending that Mr. Ulbricht's custody be retained at the Metropolitan Correctional Center in New York City (hereinafter "MCC") pending his direct appeal.

2. Mr. Ulbricht was sentenced to a term of life imprisonment on each of Counts 2 and 4 of the Superseding Indictment against him, to run concurrently with terms of five years' imprisonment, 15 years' imprisonment, and 20 years' imprisonment, on Counts 5, 6, and 7, respectively.

3. Mr. Ulbricht is currently housed at the MCC, pending designation by the Bureau of

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<sup>1</sup> Pursuant to Rule 38(b)(2), Fed.R.Crim.P., "[i]f the defendant is not released pending appeal, the Court may recommend to the Attorney General that the defendant be confined near the place of the trial or appeal for a period reasonably necessary to permit the defendant to assist in preparing the appeal."

Prison's Designation Sentencing and Computation Center.

4. Mr. Ulbricht has retained the Law Offices of Joshua L. Dratel, P.C., located in New York City, to continue to represent him on his direct appeal to United States Court of Appeals to the Second Circuit.

5. Mr. Ulbricht's lack of e-mail access, as well as the nature and volume of the digital discovery and evidence in this case make access to Mr. Ulbricht during the appellate process a priority for counsel.

6. Mr. Ulbricht must therefore have frequent in person contact with his attorneys in order to assist in preparing his appeal.

7. I have spoken with Assistant United States Attorney Timothy Howard and he has informed me that the government does not object to this request.

8. On the foregoing basis, it is respectfully prayed that the Court Order the Bureau of Prisons to recommend that Mr. Ulbricht be retained at the MCC pending disposition of the direct appeal.

9. Attached as Exhibit 1 to this Declaration, and relevant to Mr. Ulbricht's motion, is the Judgment in the above-captioned case (Docket #269).

WHEREFORE, it is respectfully requested that the Court grant Mr. Ulbricht's Motion in its entirety.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief. 28 U.S.C. §1746. Executed June 2, 2015.

/S/ Lindsay A. Lewis  
LINDSAY A. LEWIS